

In The United States District Court
For The ~~Western~~ ^{PER} ~~West~~ Middle District of Pennsylvania

JUL 13 2020

DEPUTY CLERK

Donald Carr
Plaintiff

Civil Complaint

VS.

C.O. John Doe, and C.O. III D. Gregoire, and Grievance Coordinator J Newberry, and Security Captain Reese, and Superintendent K. Brittain, and Deputy Superintendent Gourley, and Deputy Superintendent Mentreel, and Chief Grievance Officer D. Varner

To Be Filed under U.S.C. § 1983 State Office
Complaint

I Introduction

1. Plaintiff Donald Carr brings this lawsuit pursuant to 42 U.S.C § 1983 alleging a violation of his Eighth Amendment Right to be free from cruel and unusual punishment by Defendants John Doe's utilization of excessive force upon him. He alleges that he was subject to the utilization of excessive force on April 5th, 2019 while he was incarcerated at the State Correctional Institute at Frackville, Pennsylvania

2. Plaintiff Donald Carr brings this lawsuit pursuant to 42 U.S.C § 1983 alleging a violation of his First Amendment Right which guarantees the right of individuals to freedom of speech, religion and assembly by Defendants Security Captain Reese and Superintendent K. Brittain and Deputy Superintendent Gourley and Deputy

Superintendent Menteel suspended my right to write my lawyer for legal advice and contact my family through the mailing system, on April 8th 2019 while he was incarcerated at the State Correctional Institute at Frackville Pennsylvania

3. Plaintiff Donald Carr brings this lawsuit pursuant to 42 U.S.C § 1983 alleging a violation of his Eighth Amendment Right to be free of cruel and unusual punishment by Defendants Security Captain Reese and Superintendent K. Brittain and ~~Supervising~~ Deputy Superintendent Gourley and Deputy Superintendent Menteel denied the ability to clean Plaintiff's Cell and Supply cell with heat. He alleges that he was subject to cruel and unusual punishment from the date of April 5th 2019 to April 24th 2019 while he was incarcerated at the State Correctional Institute at Frackville Pennsylvania

4. Plaintiff Donald Carr brings this lawsuit pursuant to 42 U.S.C. § 1983 alleging a violation of his Eighth Amendment Right to be free of cruel and unusual punishment by Defendants CO III D. Gregoire, Superintendent K. Brittain, and Chief Grievance Officer D. Varner failed to properly act when informed through grievance System about excessive force and cruel and unusual punishment issues on dates April 5th 2019 through April 24th 2019 while he was incarcerated at the State Correctional Institute at Frackville Pennsylvania

5. Plaintiff Donald Carr brings this lawsuit pursuant to 42 U.S.C. § 1983 alleging a violation of his Constitutional Right concerning Due Process by CO III D. Gregoire and Grievance

Coordinator J. Newberry and Superintendent K. Brittain
by falsifying documents resulting in grievance being dismissed
as untimely on ~~July 10, 2019~~ July 10th, 2019

II Jurisdiction

6. This Court has jurisdiction over this matter pursuant to 28 USC. §§ 1331, 1333(3) and 1343(4), as well as 42 U.S.C. § 1983 and 28 U.S.C §§ 2201-2202.

III Parties

7. Plaintiff Donald Carr is an adult individual residing at State Correctional Institute Forest, P.O. Box 945, Marienville, Pennsylvania, 16239. At all times relevant to this Complaint he was incarcerated at the State Correctional Institute at Frackville, 1111 Altamont, Blvd, Frackville, Pennsylvania, 17931.

8. Defendant C.O. John Doe is a Correctional Officer at SCI-Frackville, 1111 Altamont, Blvd, Frackville, PA, 17931

9. Defendant C.O. III D. Gregoire is a Correctional Officer at SCI-Frackville, 1111 Altamont, Blvd, Frackville, PA, 17931

10. Defendant J. Newberry is a Grievance Coordinator at SCI-Frackville, 1111 Altamont, Blvd, Frackville, PA, 17931

11. Defendant Reese is a Security Captain at SCI Frackville

111 Altamont, Blvd, Frackville, PA, 17931

12. Defendant K. Britain is the Superintendent at SCI-Frakville
111, Altamont Blvd, Frakville, PA, 17931

13. Defendant Giourley is a Deputy Superintendent at SCI-Frakville
111, Altamont Blvd, Frakville, PA, 17931

14. Defendant Menteel is a Deputy Superintendent at SCI-Frakville
111, Altamont, Blvd, Frakville, PA, 17931

15. Defendant D. Varner is the Chief Grievance Officer at
Secretary's Office of Inmate Grievances and Appeals, Pennsylvania
Department of Corrections, 1920, Technology Parkway, Mechanicsburg
PA, 17050

16. All Defendants are sued in their individual and official capacity.

Facts

17. Plaintiff Donald Carr was incarcerated at SCI-Frakville on April 5th 2019 when Defendant John Dee walked into Plaintiff cell located in POC/BMU housing unit while he was handcuffed and shackled to a bed and threatened to spray Defendant for massaging his ankle, then sprayed him with a large canister of OC Spray.

18. Plaintiff was taken out for medical examination around 8:00pm and to have cell decontaminated. Then placed back in cell.

Plaintiff

19. Plaintiff was not allowed to eat or use the toilet and had to urinate on the floor.

Plaintiff

20. Plaintiff was taken out the cell to be body scanned to test for contraband and results was negative

Plaintiff

21. Plaintiff was taken to T-cell located in Psychiatric Observatory Cell (POC) even though he was not POC status and cell was cold, feces was covered inside the toilet and Defendant was not provided a mattress.

22. On April 6th 2019 around 3:30am Plaintiff had a panic/anxiety attack

23. Plaintiff asked CO Wolf why he is being restrained in POC when he was not POC status and he does not know but the "higher ups" made the decision

CO. Wolf

24. Plaintiff asked CO Wolf for cell contents that a DC status inmate is allowed to have such as legal material, address book, Soap, washrag, shower shoes, cosmetics, cloaths, books, paper, pen, and envelopes to contact his lawyer and was denied claiming the "higher ups" restricted this, furthermore he was denied cleaning material for the same reason.

25. The Psychologist Ms McCoy asked Plaintiff why he is still being held in solitary confinement in POC when he is not POC status and Plaintiff responded "I dont know I guess they are

'going to keep me back here' to which Psyc Ms McCay replied 'they can't do that'. This conversation transpired on April 10th, 2019.

26. On April 10th, 2019 Defendants Superintendent K. Brittain, and Deputy Superintendent Gourley and Deputy Superintendent Menteel was walking passed Plaintiff's cell and when Plaintiff asked why they are violating my civil Rights, Defendant K. Brittain made a comment about lighting fires to which Deputy Superintendents Gourley and Menteel laughed.

27. Plaintiff asked Psychologist Mrs Hansel why he is being deprived and subjected to cruel and unusual treatment, she replied she does not know why they are doing such things.

28. Plaintiff talked to Psychologist Mrs Smith and she explained X was going to be kept in such conditions until X am transferred.

29. On April 10th 2019 Lt Cillo talked to Plaintiff and when Plaintiff explained the 'higher ups' are refusing to let him have access to a pen, paper and envelopes to contact his family and a lawyer, Lt Cillo responded 'they can't do that' then he personally went to obtain such material for him even though it was against orders.

30. Plaintiff talked to CO. Wolf Lt Simpson CO Thomas and multiple other CO's plus psychologist Mrs Hansel, CPS worker ~~Brother Rob Hall~~ and multiple nurses about the severe cold temperature and the fact that it was winter conditions outside and the window had a breeze coming from it.

31. Plaintiff was allowed to shower in BMU shower and asked another inmate to contact the Unit Manager Ms Styka to notify her about my placement.

32. On April 24th 2019 Plaintiff was moved to RHU and given cell contents. Unit Manager Mrs Styka did a round and stated I was not supposed to have been in such a predicament.

33. Plaintiff filed a grievance but has not received a response by May 27th 2019 so he sent a request to Grievance Coordinator which she responded to on May 30th, 2019 that the response was not yet due.

34. Plaintiff was transferred on May 29th, 2019 to SCI Forest.

35. Plaintiff notified grievance Coordinator that he never received a response to grievance in question # 797765 on June 20th, 2019 to which she responded back with response attached on June 25th 2019

36. Defendant CO III D. Gregoire signed and dated initial review response on May 9th, 2019 even though it contradict Grievance Coordinator J Newberry statement when she told Plaintiff in a request on May 30th 2019 that it was not due, which ultimately lead to Plaintiff grievance being Dismissed when he appealed it to Defendant Superintendent K. Brittain.

37. Plaintiff appealed to final level to notify and exhaust all remedies to Defendant D. Verner to notify a violation in his Due

Process but failed to investigate in an impartial manner and subsequently denied his grievance.

38. Plaintiff's rights was violated on all levels from the highest ranking official to the least.

Cause of Action

39. Defendant John Doe used excessive force in a malicious manner against Plaintiff Donald Carr without justification violating his Eighth Amendment rights.

40. Defendants Security Captain Reese and Superintendent K. Brittain and Deputy Superintendent Gourley and Deputy Superintendent Mentel denied Plaintiff materials and access to mailing system denying access to legal representation and family violating his First Amendment Rights to freedom of speech religion and assembly.

41. Defendants Security Captain Reese and Superintendent K. Brittain and Deputy Superintendent Gourley and Deputy Superintendent Mentel subjected Plaintiff Donald Carr to cruel and unusual punishment by placing him in a 'grind up' cell with no heat in the winter, feces on the inside of his toilet while denying him access to clean his cell for 19 days while in a cell deprived of sensory meaning there was no tv nor radio while he was isolated from everybody, ~~without~~ without justification violating his Eighth Amendment rights.

42. Defendants CO III D. Gregoire and Superintendent K.

Brittain and Chief Grievance Officer D. Warner did not attempt to protect Plaintiff's rights acting deliberately indifference by not proper investigation my claims through the grievance system and acting in a partial partial manner when informed about violations of my Eighth Amendment Rights. This is a violation of my Eighth Amendment Rights.

43. Defendants CO III D. Gregoire and Grievance Coordinator J. Newberry and Superintendent K. Brittain falsified documents leading to the cause of my grievance being dismissed which Plaintiff Donald Carr filed on grounds of abuse by staff. This action is not justified violating his Due Process.

Relief

44. Compensatory and punitive damages against all Defendants

45. Declaratory relief that Defendants violated Plaintiff Donald Carr's Constitutional rights.

46. Attorney's Fees and Cost

47. The establishment of an outside department that is in no way shape or form associated with the Department Of Corrections to investigate claims alleging abuse against DOC staff members to maintain a decent amount of integrity and impartiality when such investigations occur

48. A reevaluation of all dismissed grievances filed at SCI-Fractville due to untimeliness (allegedly)

49. A TV be placed in designated area of PDC to prevent sensory deprivation

50. Routinely cleaning of PDC since inmates housed in such settings are not allowed to do so.

51. The heat to be fixed in PDC cells and windows to be properly sealed to protect inmates from the harsh elements.

52. A thorough investigation to all defendants concerning previously filed abuse by all inmates

53. Termination of employment of all Defendants since their integrity is destitute in the positive module they are supposed to represent concerning our judicial system and their insidious impact they have on their words correctional development through imploring criminal tactics.

54. If DOC cannot manage on a civil and respectable level then it should be replaced by a new sector that can manage the Correctional institutions in a more rehabilitative manner

55. Allow Psychologist and Psychiatrist more power to act in their professional judgment to intervene in situations where staff goes outside the bounds of their job description and laws and

Order.

56. To protect all witnesses from retaliation from DOC staff when testimonies persecute fellow co-workers.

57. Allow lawyers seeking to maintain the integrity of treatment inmates experience to annually tour all State Correctional Institutes to seek optimum Correctional means removed from oppression.

58. If the integrity of SCI-Frachville prove to be too corrupt to properly realign with the ~~the~~ essence of law and order in the efforts towards Correction, then SCI Frachville should be closed. ~~closed~~

59. Plaintiff want to be protected and not retaliated in any form or fashion for filing a law suit.

60. Any other relief the Court deems necessary.

Dated:

~~December 20, 2020~~

July 4, 2020

Respectfully Submitted
Donald Carr, Pro Se
~~Donald Carr~~

Attached

Defendants

John Doe, CO III D. Gregoire, Grievance Coordinator
T. Newberry, Security Captain Reese, Superintendent
K. Brittain, Deputy Superintendent Gourley, Deputy Superintendent
Menteel, Chief Grievance Officer D. Varner

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Division

Case No.

(to be filled in by the Clerk's Office)

Donald Carr

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Donald CarrKY 6659SCT- ForestP.O Box 945MarienvillePA16239

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

John DoeCO ISCT- Frackville1111 Altamont BlvdFrackvillePA17931

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

D. GregoireC.O. IIISCT- Frackville1111 Altamont BlvdFrackvillePA17931

City

State

Zip Code

 Individual capacity Official capacity

Attach

I The Parties to This Complaint (Continued)

B. The Defendants

Defendant No. 5

Name K. Brittain

Job Superintendent

Employer SC2 - Frackville

Address 1111 Altamont Blvd

Frackville PA 17931

Individual capacity Official capacity

Defendant No. 6

Name Gourley

Job Deputy Superintendent

Employer SC2 - Frackville

Address 1111 Altamont Blvd

Frackville PA 17931

Individual capacity Official capacity

Defendant No. 7

Name Mentel

Job Deputy Superintendent

Employer SC2 - Frackville

Address 1111 Altamont Blvd

Frackville PA 17931

Individual capacity Official capacity

Defendant No. 8

Name: D. Varner

Job: Chief Grievance Officer

Employer: Department of Corrections

Address: 1920 Technology Parkway

Mechanicsburg PA 17050

Individual capacity Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Job or Title (*if known*)

Shield Number

Employer

Address

*T. Newberry
Grievance Coordinator*

*SCX - Frackville
111 Altamont Blvd
Frackville PA 17931*

<input checked="" type="checkbox"/> City	<input type="checkbox"/> State	<input type="checkbox"/> Zip Code
<input checked="" type="checkbox"/> Individual capacity		<input type="checkbox"/> Official capacity

Defendant No. 4

Name

Job or Title (*if known*)

Shield Number

Employer

Address

*Reese
Security Captain*

*SCX - Frackville
111 Altamont Blvd
Frackville PA 17931*

<input checked="" type="checkbox"/> City	<input type="checkbox"/> State	<input type="checkbox"/> Zip Code
<input checked="" type="checkbox"/> Individual capacity		<input type="checkbox"/> Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

First Amendment, Eighth Amendment, Fourteenth Amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Attach

II Basis for Jurisdiction

①.

John Doe violated D.O.C. Policy DC-ADM 201 by utilization of excessive force against plaintiff by deploying OC Spray while plaintiff was handcuffed and shackled because plaintiff was massaging his ankle. This violates the 8th Amendment.

D. Gregoire violated D.O.C. Policy DC-ADM 804 which states appeals will only be filed after a response is received. Furthermore an appeal must be filed 10 days after the date of response. Plaintiff received response on 6/25/19 but the response was dated 5/9/19 which resulted in grievance being dismissed as untimely when subsequent grievance appeal was filed. This is a violation of plaintiff's Due rights procedure protected under the 14th Amendment.

J. Newberry violated D.O.C Policy DC-ADM 804 by stating grievance # 797765 was not done due to incomplete investigation and plaintiff will receive a response when its complete. This statement was made 5/30/19 but the response was dated 5/9/19 which resulted in grievance being dismissed as untimely due to DC-ADM 804 which states grievance appeals must be filed within 10 days of response. This is a violation of plaintiff Due rights process protected under the 14th Amendment.

Reese violated DC ADM 803 by preventing Plaintiff from utilizing the mailing system to contact his lawyer and family by suspending his 1st Amendment rights of freedom of speech by telling Staff that work in the POC/BMU not to give him writing material. Reese also violated DOC policy DC ADM 201 and DC ADM 001 by not allowing plaintiff to utilize cleaning supplies to clean not only the allotted once a week but also to cleanse the feces off the ground that was in the cell prior to placing Plaintiff in the cell which also violates sanitation laws.

Superintendent K. Brittain failure to properly investigate Plaintiff's claims of abuse and violations of his 14th Amendment because of his grievance being allegedly filed untimely is a violation not only of Plaintiff 14th Amendment but also violate the DOC Code of ethics by showing partiality to fellow co-workers even though they violated law and Policy. Superintendent K. Brittain also violated Plaintiff 8th Amendment by intentionally leaving Plaintiff isolated in Solitary Confinement in the T-cell located in POC which is reserved for individuals suffering from psychiatric issues. ~~and~~ The Psychiatrist told Plaintiff he was not supposed to be there because he was not POC status. K. Britton also ~~referred~~ Plaintiff use of cleaning supplies, personal cell contents and was subjected to severe cold conditions in the winter because the window is cracked which violates Plaintiff 8th Amendment rights. This also shows deliberate indifference personally and for not reprimanding violating subordinates. K. Brittan ignored Plaintiff on April 10th 2019 when expressing the oppressive conditions Plaintiff was subjected to.

Deputy Superintendent Gourley violated Plaintiff 8th Amendment by denying the ability to clean cell, supply cell with heat and put plaintiff in a regular cell when Deputy Superintendent Gourley ignored Plaintiff on April 10, 2019 when he walked passed Plaintiff cell while Plaintiff expressed the oppressive conditions he was subject to.

Deputy Superintendent Menteel violated Plaintiff 8th Amendment by denying the ability to clean cell, supply cell with heat and put Plaintiff in a regular cell when Deputy Superintendent Menteel ignored Plaintiff on April 10, 2019 when he walked passed Plaintiff cell while Plaintiff expressed the oppressive conditions he was subject to

Chief Grievance Officer D. Varner violated Plaintiff 8th Amendment by failing to properly investigate claims of abusive of force and cruel and unusual punishment. D. Varner also violated Plaintiff 14th Amendment by dismissing Plaintiff grievance and not properly investigating staff violating Plaintiff Due rights process with the grievance system.

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Attach

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
 - Civilly committed detainee
 - Immigration detainee
 - Convicted and sentenced state prisoner
 - Convicted and sentenced federal prisoner
 - Other (*explain*) _____
-

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
-

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

At SCF Frackville on April 5th - 24th in POC/BMU

Attach
IV. Statement of Claim

D.

I was assaulted by John Doe on April 5th 2019 around 8:00pm. I was placed in a cell with feces, no heat and was not allowed cleaning supplies which CO Wolf claims the higher ups told staff not to give me anything. Psychologists McCoy Smith, Reagan told me they don't know why I'm back in POC when I'm not supposed to be. I had a panic attack at approx 3:30am on April 6th, 2019. I was told I can't receive any cell contents or writing material to contact family or lawyer. On April 10th, 2019 Lt Civil Core to speak with me and I explained my rights to contact people to let them know I'm being oppressed, he said the higher ups can't prevent me these things and he personally obtained writing material and envelopes for me.

V. Relief

Compensatory and Punitive relief, Declaratory relief, Attorney's fees and cost, The establishment of an outside department that is in no way shape or form associated with the Department of Corrections to investigate claims alleging abuse against DOC staff members because the current system is used by staff to help cover up abuse. The partiality shown by staff is relatable to a racist gang/organisation. A re-evaluation of all dismissed grievances filed at SCN Frackville due to allegedly untimeliness because this is a standard practice that have been happening.

too long, especially when staff investigate abuse and Always
Claim there is no merit to claims. Superintendent K. Brittan is
widely known to throw away grievance appeals on a regular basis
Also, A TV to be placed in POC to prevent Sensory deprivation
because the Disability Rights Network already established it in
a suit which SCZ - Frackville Ignored. Routine Cleaning in POC
because inmates are always placed in cells with feces, OC spray,
urin, trash on a regular basis. Heat in POC cells and windows
to be sealed because staff routinely utilizes POC cells as punishment
instead of psychological reasons because they know the cells are
the same temperature as outside in the winter which they consider
"a grind up". A thorough investigation of defendants for previous
abuse because these things happen on a daily basis with staff
Always denying them. Termination of employment of all Defendants
because they willingly commit crimes and should be punished just
like anybody that dont work for the government. Termination
of the DOC as a whole and create a new Correctional Sector
that is not built on racism and oppression and focus more on
rehabilitation and change and development of the incarcerated
Character and ability to obtain jobs to prevent illegal means to
make money. Allow Psychologist/Psychiatrist more power to intervene
when they see Staff abuse the power because the Psychologist will
agree that staff is being oppressive and racist in essence but
lack any power to act and stop such abuse. Protect all witnesses
from retaliation from DOC staff because for trial the DOC will
threaten a psychologist and CO's either physically or termination
of employment because a fabricated "indiscretion". Allow lawyers
to annually tour all state Correctional Institutes to help

Identify areas needed for change and to address Civil issues before hand to alleviate future suit and instead immediate relief is obtained in the least controversial manner. SCX - Frankville should be closed because of the dept of Corruption from the higher ups to the regular CO's and the racist stronghold that is prevalent there. Plaintiff want to be protected from retaliation from DDC staff or any type of harassment. Any other relief the Courts deem necessary because i'm not legally astute and dont fully understand the dept of what to ask for.

VII Exhaustion of Administrative Remedies Administrative Procedure

G. I wrote a request to T. Newberry on 5/12/19 explaining I never received a copy of my grievance with the grievance # and I was waiting on a response for a grievance that was filed on 4/20/19 and staff have 15 days to respond. T Newberry responded it was not due but when I got a response on 6/25/19 the response was dated TWO weeks before the date T Newberry said it was not due which led to my subsequent appeals being dismissed for untimely by both Superintendent K. Britton and Chief Grievance Officer D. Norner.

C. What date and approximate time did the events giving rise to your claim(s) occur?

April 5th (from 3:00pm - 8:00pm approx) - April 24th, 2019

D. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

~~Please see Attached~~ See Attached

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

My Face was burning from OC spray and I started having panic attacks

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Attached

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

SCZ - Frockville

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

8th Amendment 1st Amendment 14th Amendment

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

SCZ, Frackville

2. What did you claim in your grievance?

Abuse

3. What was the result, if any?

Denied, Dismissed/untimely

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Appealed to both superintendent and chief grievance officer but was dismissed/untimely

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

See Attached and Grievances/requests/responses

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes
 No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.



Final Appeal Decision Dismissal

Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

08/15/2019 12:00

Inmate Name:	CARR JR, DONALD KEITH	DOC #:	KY6659
SUPERIOR:	Frackville	Current SCI:	Forest
Grievance #:	797765		

This serves to acknowledge receipt of your appeal to final review for the grievance identified above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, this Office has reviewed all documents provided as part of the grievance record. Upon consideration of the entire record, it is the decision of this office to dismiss your appeal to final review due to a failure to comply with the provisions of the DC-ADM 804, as specified below.

Decision: Dismiss

YOUR GRIEVANCE IS BEING DISMISSED AT THE FINAL APPEAL LEVEL FOR THE REASON(S) OUTLINED BELOW.

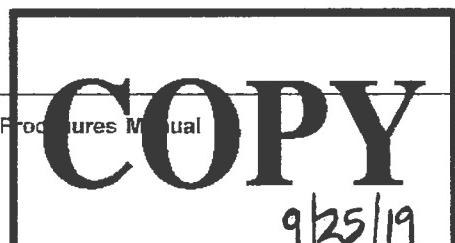
Rationale:

- The grievance or appeal was not submitted within fifteen (15) working days after the events upon which claims are based.

Response: Review of the record finds that the superintendent dismissed your appeal as untimely. Due to the unsuccessful completion of the appeal process to the superintendent, your appeal to this office is dismissed.

Signature:	<i>Lori Moore Jr.</i>
Name:	D. Warner
Title:	Chief Grievance Officer
Date:	08/15/19

cc: DC-15/Superintendent - Frackville
 DC-15/Superintendent - Forest
 Grievance Office



GRIEVANCE				
INMATE NUMBER	NAME	FACILITY	DATE	GRIEVANCE #
KY66p59	Donald Carr	Forest	7/14/19	7AT765
<p>I received my appeal from the Superintendent and have the following legal issues:</p> <p>Refer to DC ADM 804 Grievance Appeal Procedures for complete instructions.</p> <p>A appeal is must relate to the issue presented in the initial grievance and if there appeal is not related to the initial grievance it will be denied.</p> <p>Please provide a BRIEF (no longer than two pages) appeal statement.</p>				
<p>In appealing Superintendent the Decision to Dismiss my appeal because of it allegedly being untimely when I received my response on 6/24/19 and filed my appeal on 6/27/19. I see SCZ Frankville is falsifying documents where the date of the response is concerned which is dated 5/9/19 but I sent a request to the grievance coordinator on 5/27/19 asking why I have not received a response which she replied I will receive one when the investigation is over. This request came back on 5/30/19 which directly contradicts that I could possibly get a response on 5/9/19. There is no doubt in my mind that I will have to seek relief in court but I would like to state my relief for the record: 1) Penitire relief, 2) charges of Assault and Battery on the staff involved along with immediate termination of employment, 3) charges of Conspiracy on all parties involved for Falsifying documents and/or refusing to reprimand fellow co-workers/subordinates with a heavy fine imposed in the least or termination of employment at the most, 4) Storage of footage pertaining to incident for future law suit which I mentioned in previous grievance but am sure it was unheeded since staff are falsifying documents to cover up abuse, 5) A thorough investigation of abuse with officers names involved since staff refused to give me such information and since I never received a DC write up for whatever claim to Assault and Battery the the Staff deemed necessary for a suspension, and names of the higher officials that suspended my Civil Right.</p>				
COPY 9/25/19 INMATE SIGNATURE: Donald Carr				



Facility Manager's Appeal Response

SCI Frackville
1111 Altamont Blvd
Frackville, PA, 17931-2699

07/09/2019 10:56

Inmate Name:	CARR JR, DONALD KEITH	DOC #:	KY6659
Facility:	Forest	Unit Location:	K / B
Grievance #:	797765		

This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted above. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

Decision: Dismiss/Dismiss Untimely

It is the decision of this Facility Manager to uphold the initial response, uphold the inmate, dismiss, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

DC-ADM 804 policy (section 2, A.1.a) allows an inmate 15 working days from the date of the initial grievance response/rejection to appeal to the facility manager with an allowance for mailing time. The initial response/rejection for grievance #797765 was responded to on 5.9.19 and on 5.17.19 you were given your initial response by UM Styka for which you refused to sign. This office has no record of receiving any appeals from you until this one was received on 7.9.19.

Signature:

Name

K. Brittain

Title:

Facility Manager

Date:

7/10/19

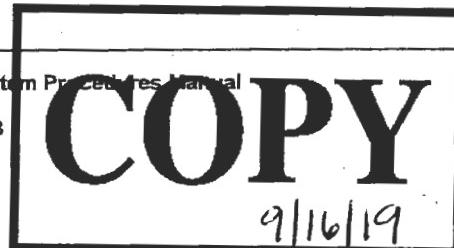
CC: DC-15
File

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-B

KY6659 Grievance #: 797765

CARR JR, DONALD KEITH



Issued: 1/26/2016 Effective: 2/16/2016

Page 1 of 1

824291

DC-804
Part 1RECEIVED
JUL 08 2019COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

FOR OFFICIAL USE

GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Superintendent Ms Britian</i>	FACILITY: <i>SL-2 Forest</i>	DATE: <i>6/27/19</i>
FROM: (INMATE NAME & NUMBER) <i>Donald Carr KY 6059</i>	SIGNATURE OF INMATE: <i>Donald Carr</i>	
WORK ASSIGNMENT: <i>NA</i>	HOUSING ASSIGNMENT: <i>K-1B-9</i>	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8½" x 11" page). State all relief that you are seeking.

I am appealing Grievance # 797765. It was denied without explaining any reason. Why a unknown CO is allowed to spray me with fec spray while I'm handcuffed and shackled to a bed in the dry cell without a reason. I was giving no reason why I was never allowed to use the toilet for the 5 hrs I was in such a state. I was never given a reason why I was in POC from 4/5/19 to 4/24/19 while never being allowed my cell contents which I'm allowed to have under section 1 of Policy 6.5.1 when there was no DC-704 signed by Shift Commander restricting me from such contents, making this a [arbitrary] restriction not authorized by a DC 704 therefore I file this grievance making this a DC ADM 804 allegation of abuse grievable Per DC ADM 804, procedure manual section 1 subsection A of # 11 Ctd. At # 14 thereof & at # 24 thereof and seeking following relief: 1) Punitive relief 2) A large fine imposed on all staff involved 3) For staff members involved to be immediately fired. 4) All footage pertaining to incident to be stored for future Civil Suit.

B. List actions taken and staff you have contacted, before submitting this grievance.

CO III D. Gregoire Signed response on 5/9/19 but grievance coordinator told me on 5/30/19 the investigation was not complete. I sent a request to L. Reher grievance coordinator at Forest saying I never got a response to # 797765 which I got on 6/25/19. Why are these dates contradicting?

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE Facility Grievance Coordinator Copy
GOLDEN ROD Inmate Copy

CANARY File Copy

PINK Action Return Copy



DC-ADM 804, Inmate Grievance System Procedures Manual

Section 1 – Grievances & Initial Review

Issued: 1/26/2016

Effective: 2/16/2016

Attachment 1-A

INITIAL REVIEW RESPONSE
SCI-FRACKVILLE
1111 Altamont Boulevard
Frackville, PA 17931

This serves to acknowledge receipt of your grievance to the assigned Grievance Officer. The response is as follows

Inmate Name:	DONALD CARR	Inmate Number:	KY6659
Facility:	SCI FRACKVILLE	Unit Location:	POC Cell
Grievance #:	797765		<i>DA</i>
Publication (if applicable): 			
Decision:	<input type="checkbox"/> Uphold Inmate <input checked="" type="checkbox"/> Grievance Denied <input type="checkbox"/> Uphold in part/Denied in part		
<i>It is the decision of this grievance officer to uphold, deny or uphold in part/deny in part the inmate's initial grievance. This response will include a brief rationale, summarize the conclusion, any action taken to resolve the issue(s) raised in the grievance and, relief sought.</i>			
Response:	<input type="checkbox"/> Frivolous		

Finding of Facts: Inmate Carr I have investigated your grievance, which was turned into an allegation of abuse #2019-A-265. The investigation was unfounded and your grievance is denied.

abuse #2019-A-265. The investigation was unfounded and your grievance is denied.	
JN	
Signature:	
Print Name: D. Gregoire	
Title:	CO III
Date:	5/9/19

CC:

**Facility Grievance Coordinator
DC-15
File**

Form DC-35A K Unit B pod INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) L Reher Grievance Coordinator	2. Date: 6/20/19	<i>RECEIVED</i> JUN 24 2019 SCI Forest Superintendent's Office
3. By: (Print Inmate Name and Number) Donald Carr NY 6659 Donald Carr Inmate Signature	4. Counselor's Name: Mr Swanson	
6. Work Assignment: N/A	5. Unit Manager's Name: Mr Perry	7. Housing Assignment: K-B-9
8. Subject: State your request completely but briefly. Give details. <p>I have an issue that I'm hoping you can solve for me dealing with a grievance I have been waiting for a response from Frackville and they have as yet responded not responded. The grievance is #177765 and I have been waiting since 4/03/19 for a response. What I need you to do for me is to contact the grievance Coordinator in Frackville and find out why its taking so long and/or to give me the proper procedure I should take for such a predicament. Your efforts would be greatly appreciated to the point where if at all possible I would buy you some chocolate. Have a enjoyable day!</p>		
<p>Sincerely</p>		
9. Response: (This Section for Staff Response Only) <p>CSA Newberry PRA 6/24/19</p>		
<p>COPY OF RESPONSE IS ATTACHED.</p>		
<input type="checkbox"/> To DC-14 CAR only	<input type="checkbox"/> To DC-14 CAR and DC-15 IRS	

STAFF MEMBER NAME _____

Print

LR

Signature

DATE **6/25/19**

Form DC-135A

Commonwealth of Pennsylvania
Department of Corrections

INMATE'S REQUEST TO STAFF MEMBER

RECEIVED

MAY 28 2019

SCI-Frackville

1. To: (Name and Title of Officer)
Mrs Newberry Grievance Coordinator

2. Date:

5/27/19

3. By: (Print Inmate Name and Number)

Donald Carr K16659
Donald Carr4. Counselor's Name:
MS E Hocopio

5. Unit Manager's Name:

MS Styka

6. Work Assignment:

N/A

7. Housing Assignment:
E-A-1 KB1009

8. Subject: State your request completely but briefly. Give details.

I never received a copy of my grievance (Pink slip) with the grievance number and, I never received a response. Attached is a copy (Gold slip) that I made. Can you please do so ASAP, this grievance was submitted on 4/20/19. I don't want to have to grievance my grievances getting lost or going through the process of contacting mechanicsburg just to find my pink slip and to receive a response.

Furthermore, I'm getting transferred to do a program and am supposed to be leaving within the next two weeks which will further complicate matters. Can you please rectify this problem ASAP. Thank you and enjoy your day.

Sincerely

9. Response: (This Section for Staff Response Only)

This is grievance # 997765 for which you signed the LOS for the pink copy on staff, this is an AOT. I've attached a copy of the enclosure form. When the inmate signs it, we will receive a response.

To DC-14 CAR only To DC-14 CAR and DC-15 IRS

STAFF MEMBER NAME

Print

J Miller
Signature

DATE

5/30/19

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

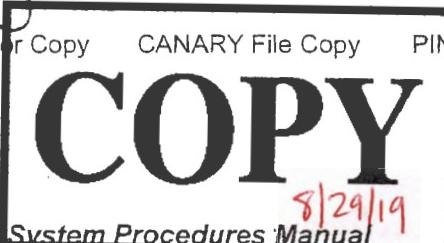
APR 22 2019

FOR OFFICIAL USE
1054715
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <u>J Newberry</u>	FACILITY: <u>Fracville</u>	DATE: <u>4/20/19</u>
FROM: (INMATE NAME & NUMBER) <u>Donald Carr KY6659</u>	SIGNATURE OF INMATE: <u>Bonnie Carr</u>	
WORK ASSIGNMENT: <u>NA</u>	HOUSING ASSIGNMENT: <u>T-Cell BMU</u>	
INSTRUCTIONS:		
<p>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</p> <p>2. State your grievance in Block A in a brief and understandable manner.</p> <p>3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.</p>		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-ADM 804 form and one one-sided 8½" x 11" page). State all relief that you are seeking.</p> <p>On April 5th 2019 I was cell extracted around 2:00pm and placed in a "dry cell" and was left handcuffed and shackled for about 5 hours and was not allowed to use the toilet or eat or drink. Furthermore about 8:00pm a CO walked into the cell and sprayed me with OC spray for massaging my foot. I had a anxiety attack right after and could not breath, which I take medication for, and I would not stop shaking. I was given nothing medically. I was put in the T-cell in a feces cored cell and slept without a bed. It has been two weeks and have not been able to clean my cell nor receive my personal effects such as legal work, phone book, cosmetics etcetera. When asked for envelopes and paper to contact my family and lawyer I was denied until Lt Civil said they not allowed to do that on the 10th and he personally obtained the material. I don't know the CO name that sprayed me in hand cuffs but Lt Simpson was present. And I don't know who suspended my Civil Rights... THIS IS abusive force!</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance.</p> <p>I talked to Lt Civil, psyc Mrs Honsel, CPS Robert Hall, psyc Ms McCoy, Morning shift CO's that work the BMU and night shift</p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

J Newberry
Signature of Facility Grievance Coordinator4/22/19
DateWHITE Facility Grievance Coordinator Copy CANARY File Copy PINK Action Return Copy
GOLDEN ROD Inmate Copy

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 1 – Grievances & Initial Review

Issued: 1/26/2016

Effective: 2/16/2016

Attachment 1-A

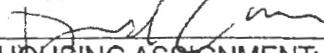
DC-804

Part 1

APR 24 2019

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONSFOR OFFICIAL USE
797705
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR NEWBERRY	FACILITY: FRACKVILLE	DATE: April 22, 2019
FROM: (INMATE NAME & NUMBER) DAVID CARR K46659	SIGNATURE OF INMATE: 	
WORK ASSIGNMENT: POC cell	HOUSING ASSIGNMENT: POC cell	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

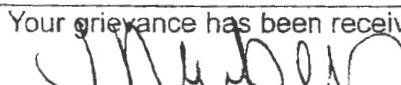
A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8½" x 11" page). State all relief that you are seeking.

I WAS removed from "rhu" confinement conditions & placed in "P.O.E. cell" under "rhu" confinement conditions & rhu / POC STAFF have NOT given me my "rhu" cell content Property. ALTHOUGH there is NO DC-709 signed by shift commander restricting me from this property above & under section 1 of policy 6.5.1, i'm entitled to pick 1 box of rhu property to have inside cell because im NOT & have not been on suicide watch so by not giving me my property as outlined above - amounts to a [arbitrary] restriction NOT authorized by DC 709 therefore i file this grievance making this dc adm 804 allegation of abuse, grievable. Per DC ADM 804, Procedure Manual, Section 1 subsection A at # 11 C & d - At # 14 thereof & At # 24 thereof &

SEEKING the following relief:

1. use in cell and /or out cell camera footage to respond / resolve this grievance
Per dc adm 804 Procedure manual, section 1 subsection c 1 c (6) (6) & retain same for DSII or grievance APPEAL - see section 2 of 6.5.1 at subsection c,1,E,F & G - so above can be proved;
2. GIVE me box of property to pick out to have inside cell forthwith;
- B. List actions taken and staff you have contacted, before submitting this grievance.
3. mental health services, once per day to treat me for the depression, anxiety & invisible violence these confinement conditions above has manufactured which i didn't suffer from prior to this;
4. release back to rhu from this POC cell - or - immediate transfer out of frackville then

Your grievance has been received and will be processed in accordance with DC-ADM 804.


Signature of Facility Grievance Coordinator

4/24/19
Date

WHITE Facility Grievance Coordinator Copy

CANARY File Copy

PINK Action Return Copy

GOLDEN ROD Inmate Copy

due to the violation of my rights & mental illness these confinement conditions is causing otherwise i will move court for injunction & temporary restraining order due to above - replete with evaluations of stability code due to above ill's

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 1 - Grievances & Initial Review

Issued: 1/26/2016

Effective: 2/16/2016

Attachment 1-A

COPY

8/29/19

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Donald Carr

Defendant(s)

David Warner, et al

2. Court (if federal court, name the district; if state court, name the county and State)

Middle

3. Docket or index number

1:19-cv-01698

4. Name of Judge assigned to your case

Hon. John E. Jones III

5. Approximate date of filing lawsuit

September 29th 2019

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Yes
 No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes
 No

If no, give the approximate date of disposition

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 14, 2020

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

29
Donald Carr
Donald Carr
KY 6659
SCA - Forest, P.O. Box 945
Marienville PA 16237

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Cita

State

Zip Code

Telephone Number

E-mail Address

INMATE
MAIL

Donald Cart
K46659
P.O. Box 945
Marienville PA 16239

RECEIVED
HARRISBURG, PA

JUL 13 2020

PER
~~DEPUTY CLERK~~

Office of The Clerk
United States District Court
Middle District of Pennsylvania

U.S. Courthouse
222 Walnut Street
P.O. Box 983
Harrisburg PA 17108